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Letter dated 12 December 2002 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

I have the honour to forward herewith the statement made by Honourable Jean de Dieu Mucyo, Minister of Justice and Institutional Relations of the Republic of Rwanda, on the failure of the proposed meetings between representatives of the Government of Rwanda and the International Tribunal for Rwanda (see annex).

I would be grateful if the statement could be published and circulated as a document of the Security Council.

(*Signed*) Anastase **Gasana**
Ambassador
Permanent Representative

02-74122 (E) 161202

Annex to the letter dated 12 December 2002 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

Statement on the failure of the proposed meetings between representatives of the Government of Rwanda and the International Tribunal for Rwanda

The Government of Rwanda has for many years had grave misgivings on the functioning of the International Tribunal for Rwanda.

These concerns have time and again been communicated directly to the successive presidents, prosecutors and registrars of the Tribunal in meetings in Rwanda, at The Hague and other places.

Unfortunately, the management of the Tribunal has always hidden behind the facade of the independence of the Tribunal to avoid discussion of many critical and legitimate concerns, equally shared by the international community, which the people of Rwanda have on the functioning of the Tribunal.

The Government of Rwanda renewed its call for dialogue with the management of the Tribunal in meetings with the President of the Tribunal in Arusha in May 2002 and with the Prosecutor and the Registrar in Kigali at the end of June 2002. These officials each at the time professed their willingness to have a dialogue with the Government of Rwanda at the earliest opportune time. The Government of Rwanda has since repeatedly reminded the leadership of the Tribunal of the urgency of holding the proposed dialogue, but to no avail.

The dialogue which the Government of Rwanda proposed and has incessantly demanded never took place. The proposed dialogue became a victim of the legendary internal wrangles and bureaucratic bickering within the Tribunal. Some of the management of the Tribunal have separately indicated to the Government of Rwanda that blame for the failure to have the dialogue lies with their colleagues within the management of the Tribunal.

The Government of Rwanda took the initiative to invite the leadership of the Tribunal to Rwanda to discuss outstanding problems when it became apparent that the management of the Tribunal only wanted a propaganda visit by representatives of the Government of Rwanda and were not ready for substantive dialogue to address issues of concern to Rwanda.

The management of the Tribunal inexplicably turned down the invitation of the Government of Rwanda. The judges of the Tribunal have rarely visited Rwanda. On the two occasions when the judges have made brief visits to Rwanda (once to visit the sites of massacres which were the subject of a case one of the Chambers was hearing and once to make courtesy calls), the visits were vociferously criticized by the defence on the absurd grounds that they constituted a show of partiality towards Rwanda. Since then, the judges of the Tribunal have deliberately refrained from visiting Rwanda. The Tribunal has hence become hostage to the extremist propaganda of suspects on trial and their accomplices still at large as well as some defence counsel who have chosen to politicize the entire process.

The failure of the management of the Tribunal to reach an internal consensus as to how the debate with the Government of Rwanda should proceed led to the proposal to have an independent third party in the person of Ambassador Pierre Prosper, United States Ambassador-at-Large for War Crimes Issues, facilitate discussion between Rwanda and the Tribunal, a proposal which was at the time warmly endorsed and adopted by the President of the Tribunal. Ambassador Pierre Prosper had expressed his willingness to attend as an independent third party since he has closely followed the workings of the Tribunal.

The unilateral decision of the President and the Registrar of the Tribunal to withdraw the request to Ambassador Pierre Prosper to facilitate the proposed meeting between representatives of the Tribunal and the Government of Rwanda is totally unacceptable. It illustrates once again not only the lack of will on the part of the leadership of the Tribunal to engage in dialogue on issues which confront the Tribunal, but also the existence of crippling differences within the leadership of the Tribunal which do not bode well for any agreement which may be reached by the parties following any negotiations.

The Government of Rwanda, being mindful of the earnest desire of all the people of Rwanda for a credible, properly functioning and effective Tribunal:

1. Reiterates its grave concerns over mismanagement within and the poor performance of the Tribunal;

2. Reaffirms its support for genuine dialogue with the leadership of the Tribunal on issues of concern to the people of Rwanda and renews the invitation previously extended to the leadership of the Tribunal to visit Rwanda to discuss outstanding issues;

3. Welcomes the efforts made by Ambassador Pierre Prosper of the War Crimes Issues Office of the United States Department of State to facilitate meetings between the Government of Rwanda and the leadership of the Tribunal and still strongly supports the involvement of such a third party in mediating the proposed dialogue with the Tribunal;

4. Calls upon the Secretary-General of the United Nations and the Security Council once again to take the necessary measures to redress the mismanagement within the Tribunal; and

5. Also calls upon the international community to prevail upon the leadership of the Tribunal to agree to unconditional dialogue with the Government of Rwanda on all matters relating to the functioning of the Tribunal which have long been of concern to the victims of genocide in particular and the Government and people of Rwanda in general.

Done at Kigali this 12th day of December 2002.

(*Signed*) Jean de **Dieu Mucyo**
Minister of Justice and Institutional Relations